

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

CLAUDE A. TILLEY,

Plaintiff,

v.

CIVIL ACTION NO. 1:06-01063

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION

By Standing Order entered August 1, 2006, and filed in this case on December 21, 2006, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of Proposed Findings and Recommendation. Magistrate Judge VanDervort submitted his Proposed Findings and Recommendation on January 7, 2008. (Doc. No. 15.) In that Proposed Findings and Recommendation, the magistrate judge recommended that this court 1) grant plaintiff's motion for voluntary dismissal, 2) order the action dismissed pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, and direct the Clerk to remove the action from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Proposed Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file

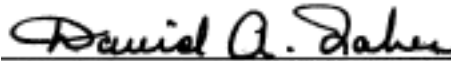
such objections constitutes a waiver of such party's right to a *de novo* review by this court. Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140, 155 (1985).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **GRANTS** the plaintiff's motion for voluntary dismissal (Doc. No. 14), and **ORDERS** that the action be dismissed.

The Clerk is directed to remove this matter from the court's active docket and to forward a copy of this written Memorandum Opinion to all counsel of record.

It is **SO ORDERED** this 21st day of February, 2008.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
United States District Judge